

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, November 18, 2009, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, November 4, 2009 Worksession.

Action: Approved, (SBB/CJS, 4-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:
  - (a) **A-6302, Petition of Mallick Enterprises LLC** (second-story addition).  
Hearing held 10/14/09.

Action: Granted the extension of time, (DKP/CJS, 4-0).

3. **CBA-2158-B, Petition of Crown Central Petroleum Corporation** (automobile filling station). Letter to the Board from Donald Jones, Vice President, requesting an administrative modification. [Large exhibit: site and stormwater management plan].

Action: Granted the administrative modification, (DKP/SBB, 4-0).

4. **S-485, Petition of Laurence and Anne Karpman** (antique shop). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioners.

Action: Revoked the special exception as abandoned, (CJS/SBB, 4-0).

5. **S-571, Petition of Nan V. Moseley** (commercial riding stable). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (DKP/CJS, 4-0).

6. **S-690 and S-691, Petitions of REG and Associates 1993, LLC** (non-resident professional offices). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exceptions have been abandoned and requesting that they be revoked.

Action: Revoked the special exception as abandoned, (SBB/CJS, 4-0).

7. **S-1952, Petition of Hadley, House and Rabin** (non-resident professional office). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CJS/SBB, 4-0).

8. **S-2250, Petition of O. G. Limited Partnership** (private educational institution). Letter to the Board from Elsie Reid, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (SBB/DKP, 4-0).

9. **S-2674, Petition of Reynaldo and Zorayda Lee-Llacer** (accessory apartment). Letter from Harry Lerch, Esquire, requesting an amendment or clarification of Condition No. 1 of the Board's Opinion dated 2/9/09.

Action: Granted the request to amend the Board's Opinion, (DKP/SBB, 4-0).

10. **S-2743, Petition of Henderson Corner and 355, LLC by Aris Mardirossian** (automobile filling station). Letter to the Board from Stanley Abrams, Esquire, submitting plans in compliance with Condition No. 10 of the Board's Opinion dated 5/29/09. [Large exhibits: site plan, certified landscape plan, certified site plan with details, certified building elevations, certified M-NCPPC site plan resolution].

Action: Re-opened the record to include Mr. Abrams' letter with attachments, (DKP/CJS, 4-0).

**PENDING ITEMS:**

11. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
12. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
13. **CBA-1456-A [CBA-1456], Petition of Lindsay Management Company** (off-street parking). Status report from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire. (1) Re-opened the record to include status report from Mr. Freishtat and Ms. Vassallo; (2) Board to be provided with a status report in 60 days. [W/S 7/15/09]. Approximately September 15, 2009.
14. **CBA-2525, Petition of Bernard B. Schugar, D.D.S.** (non-resident medical practitioner). Letter to the Board from the petitioner requesting that the names of Dr. Amisha Shroff and Marsha S. Schugar be added to the special exception. Item deferred for additional information. [W/S 11/4/09].
15. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].
16. **S-289-B [S-289, S-289A], Petition of the Little Falls Swim and Tennis Club** (community swimming pool). Letter to the Board from Susan Valenstein, President, requesting an administrative modification. (Large exhibits: revised landscape plan/5 sheets and a lighting plan). (1) Granted temporary approval of the administrative modification; (2) Board will review the administrative modification request with the Club's submission of its annual report in December 2009. [W/S 10/7/09].
17. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].

**PENDING ITEMS (continued):**

18. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder. [W/S 9/10/08].
19. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification. [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement. [W/S 4/2/08].
20. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].
21. **S-2504, Petition of Sunrise Development, Inc.** (housing for the elderly and handicapped). Letter to the Board from Victoria Khomutetsy requesting an administrative modification. Item deferred for Sign Review Board approval. [W/S 10/28/09].
22. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (telecommunications facility). Letter to the Board from Norman Knopf, Esquire, requesting reconsideration of the Board's Resolution dated 9/15/09. Granted the reconsideration request. [w/w 10/7/09].

**Board Members**

Catherine G. Titus, Chair  
David K. Perdue, Vice Chair  
Walter S. Booth - ABSENT  
Carolyn J. Shawaker  
Stanley B. Boyd

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist